UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Sabahnor El Handi, Plaintiff, v. Fifty Second Street Hotel Associates, L.L.C. d/b/a Novotel New York, Novotel Hotels USA, Inc., and Accor Business and Leisure North America, Inc. Defendants.	Docket No. 16-civ-09270 (VEC) **AMENDED COMPLAINT** PLAINTIFF DEMAND A TRIAL BY JURY

Plaintiff, Sabahnor El Handi, by her attorneys, Young & Ma LLP, complains of Defendants as follows:

PARTIES

1. Plaintiff Sabahnor El Handi ("Plaintiff") is a masters educated Muslim woman of French/Moroccan descent residing at 338 Putnam Avenue, Apt. 2, Brooklyn, NY 11216. Her date of birth is April 14, 1981.

2. At all times during her employment, Plaintiff was a French foreign national working in New York City and is now married to a U.S. citizen.

3. Fifty Second Street Hotel Associates, L.L.C. d/b/a Novotel New York is a corporation organized and existing under the laws of the State of New York, with a place of business located at 226 West 52nd Street, New York, NY 10019.

4. Novotel Hotels USA, Inc. is a corporation organized and existing under the laws of the State of Delaware with a place of business located at 226 West 52nd Street, New York, NY 10019.

5. Accor Business and Leisure North America, Inc. is a corporation organized and existing under the laws of the State of Florida, is the parent corporation to Fifty Second Street Hotel Associates, L.L.C. d/b/a Novotel New York, controls Novotel New York, and operates a place of business located at 226 West 52nd Street, New York, NY 10019.

NATURE OF ACTION

6. This is a civil action for damages and remedies brought under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"); the New York State Human Rights Law, N.Y. Exec. Law. § 290 et seq.; and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 et seq.

7. Plaintiff seeks declaratory and injunctive relief, back pay, front pay, compensatory damages, punitive damages, legal fees and costs based on Defendants' violations of Plaintiff's statutory rights to equal employment opportunity and wrongful termination.

JURISDICTION AND VENUE

8. Jurisdiction is founded upon 28 U.S.C. § 1331 and principles of supplemental jurisdiction under 28 U.S.C. § 1367.

9. Plaintiff filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC") on April 21, 2016.

10. Plaintiff received a Right to Sue Letter on September 23, 2016.

11. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to Plaintiff's claims occurred in the Southern District of New York.

12. The Court has personal jurisdiction over Defendants because Defendants operate, conduct, engage in and/or carry on a business in the state of New York, committed the

discriminatory and retaliatory acts herein described, and/or are engaging in substantial and not isolated activity within the state of New York.

STATEMENT OF MATERIAL FACTS

13. Defendant Fifty Second Street Hotel Associate, L.L.C. d/b/a Novotel New York is a hotel owned by hospitality service companies and Defendants Accor Business and Leisure North America, Inc. and Novotel Hotels USA, Inc. Defendants had 400 locations in 60 countries during Plaintiff's employment and has since then acquired more locations and is expanding its presence in New York.

14. Plaintiff has worked for Defendants since April 2008 in the Toronto, Canada location and since February 2011, worked in the New York City location.

15. Prior to working with Defendants, Plaintiff worked for another luxury international hotel and resorts chain.

16. Plaintiff has over a decade of experience in hotels and hospitality with a strong background in both reservations and revenues. Plaintiff has a masters in Marketing of Services & Revenue Management and a bachelors degree in international strategy and management. She is fluent in French, Spanish and English.

17. Although Plaintiff transferred to Defendants' New York location in February 2011 to grow her potential in revenue management, she discovered that such opportunities and all preferential treatment were given only to non-Muslim White employees.

18. The two (2) directors during Plaintiff's tenure Albane Colmenares and Jeremie Catez were White non-Muslim and the General Manager Marc Sternagel ("Marc") was also a non-Muslim White male.

19. The work environment was socially liberal, inappropriate, and completely hostile for any employee of a conservative Muslim religion.

20. Marc would kiss and flirt with many of his assistants and female employees.

21. During holidays, Tiffany bracelets were given to female employees who allowed themselves to be the object of sexual flirtation in the workplace against clear anti-fraternization policies.

22. Neither the senior managers or the female employees were ever admonished or suffered any adverse actions as a result. In fact, they were elevated and preferred for that reason.

23. Marc frequently made fun of an Indian employee due to her accent and such race/national origin discrimination and distaste towards people of different backgrounds created a hostile work environment for Plaintiff.

24. Due to her religious background and culture, Plaintiff did not engage in inappropriate conduct with Marc and wanted to advance based on her substantive capacity demonstrated by her experience and masters in revenue management.

25. Over five (5) years in the New York location, Plaintiff continued to watch lesser qualified candidates get priority and seniority over her and be supported to succeed.

26. While Plaintiff was never offered the proper training to grow in revenue management, she was often forced to train others. Defendants were willing to train Sophie Le Vot and Lorraine Merger (White non-Muslim female employees) but not Plaintiff.

27. Arielle Desoucey (White non-Muslim female American) became a sales manager although she started as an executive assistant with no experience.

28. Jeremie Catez ("Jeremie") and Sebastien Hamel ("Sebastien") (both White non-Muslim males) went from reservations to revenue management within two (2) years but Plaintiff was given no such opportunity in the five (5) years in the Times Square location. She was even denied a hotel analytics class which is $300 while other employees are offered up to $1000 in similar programs to advance in their career.

29. Ultimately Plaintiff was terminated *with no performance based reason* because she became persistent in seeking a promotion and a position equivalent to her skills and experience.

30. In 2014, Plaintiff started to raise publicly in her reviews that Defendants were failing to provide her with proper training or support to advance in her career.

31. On September 18, 2014, Marc sent a mass email asking for assistance in Revenue Management and suggesting the hiring of an intern to support Jeremie and Sebastien. In fact the email suggested they should sign up anybody that could help. Although Plaintiff would be the most natural choice with an educational background in that area and hospitality/hotel experience much stronger than any intern, Defendants failed to give her a chance due to her race/national origin/color and religion.

32. Most egregiously, Plaintiff offered her assistance for this project to her direct supervisor Jeremie who did not respond to her request at all. Plaintiff even emailed him her desire to be included in revenue management and her strong background on September 24th. After receiving no response, Plaintiff made an official complaint to Human Resources on September 29th stating that her job description involves revenue management tasks and interns are being hired to perform the same tasks she is not given growth and career advancement opportunities in.

33. In March 2015, Plaintiff attempted to make a lateral move within the Company. Sofitel New York had a position for Assistant Director of Revenue and Plaintiff tried to advance by a lateral move. She was told by the hotel manager that she lacked the appropriate qualifications because of the lack of revenue opportunities provided to her at the Times Square Novotel location. Therefore, she was prejudiced from any potential lateral advancement because of her managers' discriminatory motives.

34. In June 31, 2015, Plaintiff applied for Sebastien's position when he resigned as Reservations and Revenue Manager. When Plaintiff was hired as Assistant Reservations Manager in 2011, the position reported to the Director of Revenue and therefore revenues and reservations have traditionally been the same department. To avoid providing Plaintiff the opportunity, Defendants retroactively decided to split the role into two – revenue analyst and reservations manager. However, the requirements for both positions were simply a bachelors degree and 3-5 years in hospitality experience and the ability to speak French. Plaintiff has a masters from a French university, speaks French, and has 10 years of experience in hospitality. When looking at the job description of the revenue analyst position, they are very much the same ones Plaintiff has in her job description. Most incredibly, there was even a "Revenue management in training" position. Defendants cannot provide as a credible excuse that

Defendants wished for Plaintiff to remain in reservations to grow her future there as she was denied even the reservation manager position.

35. On September 11, 2015, Plaintiff emailed Human Resources and Albane Colmenares (new Director of Revenue Management) about her desire to advance in her career. Specifically, she pointed out that certain duties in the revenue analyst position like reviewing room and rate availability, daily mapping of reservations, checking the quality and accuracy of reservations, assistance in front office roles were mirrored in her job description and she had the aptitude to handle these roles and all the roles required of the revenue analyst. Ultimately she was denied this position, the reservations and revenue manager position and the reservations manager position. Ms. Lorraine Merger was a new analyst who is related to the CEO of Accor North America and therefore although she had one (1) year of experience as an intern, she was allowed to get the revenue analyst position. In her conversations with Human Resources, Plaintiff started to raise that she felt this was related to race/national origin/color and religion discrimination. Up to this point, although Defendants did not promote her to revenue management, Plaintiff has had steady positive reviews and feed back in reservations. Her E-2 visa had been sponsored every year through the company sponsored law firm Fragomen without any issues until Plaintiff's active human resources reports.

36. In response to Plaintiff's Human Resources complaints, no proper investigation was conducted as to potential discriminatory motive in this failure to support and promote Plaintiff. No proper explanation was ever provided when Plaintiff raised the "workload" excuse was pre-textual as she has shown incredible ability to work long hours and work in very technical areas and was in fact already handling some revenue functions.

37. As a result of Plaintiff's legitimate human resources complaints concerning discrimination and failure to promote, Defendants decided to terminate Plaintiff five (5) months later in February 2016 when it was the natural time to renew her visa. Once again, Defendants *never had any issue renewing Plaintiff's visa* prior to her September complaints. There was *no performance based reason* provided for Plaintiff's termination. Plaintiff's role was not eliminated and in fact she was training her replacement during her last week of employment. *Plaintiff was not laid off during a restructuring and was the only person terminated*. In fact, at around the time of Plaintiff's termination, Defendants sponsored the E-2 visa for a restaurant manager and his wife (both are White, non-Muslim) as well as their relocation expenses. Plaintiff was terminated in direct retaliation for making legitimate reports of discrimination. Defendants have always held Plaintiff's visa hostage over her. Other employees were promoted much quicker as they could lateral to other companies without the additional barrier of also asking for work visa sponsorship. Defendants made clear that foreign nationals were not to "rock the boat" or make any human resources complaints. In fact, Defendants made no effort to conceal their discriminatory intent as they terminated Plaintiff's employment by not renewing her visa rather than even attempting to complain as to her work performance.

38. Once again, Plaintiff repeatedly reported race/national origin/color and religion discrimination to Defendants since September 2015 and was therefore terminated in February 2016 although she was performing her role very well.

39. The temporal proximity between Plaintiff's human resources complaints and the decision to terminate her is inescapable evidence of retaliation, especially in light of Plaintiff's long tenure with Defendants. Additionally, Defendants actively sought a reservations manager and intern to replace Plaintiff's job duties as she was being terminated and requested her to train her successor.

Therefore, there is no legitimate business reason for the termination except for obvious race/national origin/color and religion discrimination and retaliation.

40. To make clear the race/national origin/color and religion discrimination and the demographics during Plaintiff's employment, she submits the below description:

White Employees

- Jeremie Catez (White, non-Muslim, Jewish)– started as an intern with no degree or previous hotel experience and yet promoted to revenue manager at Notovel after a 1 year internship at Sofitel
- Sebastien Hamel (White, non-Muslim, Christian) – reservations manager at Novotel with advanced education but promoted to revenue manager after less than two (2) years Plaintiff had no such opportunities for five (5) years and was terminated
- Marc Sternagel (White, non-Muslim, Christian)– General Manager
- Gilles Rebmann (White, non-Muslim, Christian) – Manager
- Sophie Levot (Whit, non-Muslim, Christian) – Revenue and Reservations Manager in Training
- Albanes Colmenares (White, non-Muslim) – Director of Revenue Management
- Lorraine Merger (White, non-Muslim, Christian) – Revenue Analyst
- Arielle Desoucey (White, non-Muslim)– executive assistant with a degree as a Sommelier with no previous hotel experience promoted to sales manager after 2.5 years. Ms. Desoucey was also financed for the NYU certificate program for up to $1000 which was denied to Plaintiff.
- Caroline Laroche (White, non-Muslim)– executive assistant with an HR degree and brief hotel experience promoted to Guest Relations Manager after 8 months of experience at Novotel – she was also offered training to do this
- Julia German (White, non-Muslim) – Sales and Events Manager financed for her NYU certificate program for up to $1000 after one (1) year of work

Darker Skinned Employees (Latin, Arabic, African American, Indian, Muslim with darker skin)

- Darshana Dave – Indian/Hindi hotel administrator denied controller position and then moved to Sofitel New York as an assistant controller (who is also mocked by Marc Sternagel all the time for her Indian accent)
- Lina Ononibaku – lighter skinned woman with Arabic maiden last name offered a raise as executive assistant but no promotion

- Gloricel Cabrera –Spanish woman passed over for the Director level position in Human Resources although qualified for it well before
- Cheryl Bucceri – Spanish woman who is an executive housekeeping manager initially denied a Director level position although qualified

AS AND FOR A FIRST CAUSE OF ACTION FOR RACE/COLOR/NATIONAL ORIGIN AND RELIGION DISCRIMINATION ARISING UNDER TITLE VII

41. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

42. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq., for relief based upon the unlawful employment practices of the above-named Defendants.

43. Defendants were and are employers within the meaning of Title VII.

44. At all times relevant to this case, Plaintiff was and is a Muslim woman of French/Moroccan descent, a French foreign national, and a member of protected classes within the meaning of Title VII.

45. At all relevant times, Defendants were aware of Plaintiff's race, color, ethnicity, national origin and religion.

46. Defendants engaged in unlawful employment practices prohibited by Title VII because of Plaintiff's race, color, ethnicity, national origin, and/or religion with behaviors including, but not limited to, refusing to promote Plaintiff despite her superior qualifications and experience and desire to advance, promoting *many* less qualified White, non-Muslim, and/or Americans for the positions Plaintiff desired instead, ignoring her repeated requests to advance, paying Plaintiff less or otherwise discriminating against her in the terms and conditions of employment when compared with other, lesser experienced, White, non-Muslim and/or American employees, and terminating Plaintiff.

47. At all relevant times, Defendants were aware of and/or condoned and/or participated in the harassment and abuse towards Plaintiff.

48. Defendants' misconduct were so severe or pervasive that a reasonable person in Plaintiff's position would find that Plaintiff's work environment was intimidating, hostile or abusive.

49. Plaintiff reasonably believed that the work environment was intimidating, hostile or abusive as a result of Defendants' conduct.

50. Defendants contributed to the harassment, hostile work environment and retaliation, were aware of the harassment, hostile work environment and retaliation against Plaintiff and did nothing to resolve it and/or was complicit in the misconduct.

51. Defendants' discrimination and harassment were intentional, intended to harm Plaintiff and was done with malice or reckless indifference to Plaintiff's federally protected rights.

52. Ultimately Defendants terminated Plaintiff due to race/color/national origin and religion.

53. As a direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, and advancement in her career after many years of work with Defendants. Plaintiff will also have suffered future pecuniary losses attorney’s fees and costs, emotional pain and suffering, inconvenience and other non-pecuniary losses. Plaintiff has further experienced severe emotional distress.

54. As a further direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and will continue to suffer, among other items, impairment and damage to Plaintiff's good name and reputation, emotional distress, mental anguish, and lasting embarrassment and humiliation.

55. As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiff also demands punitive damages.

56. Plaintiff's damages include financial loss, loss of employment opportunities, damage to Plaintiff's career and professional reputation, and severe emotional distress caused by the degrading conduct and loss of employment opportunities.

57. Plaintiff is entitled to recover monetary damages and other damages and relief, including, but not limited to back pay, front pay, punitive damages, reasonable attorney's fees and compensatory damages from Defendants' under Title VII.

AS AND FOR A SECOND CAUSE OF ACTION FOR RACE/COLOR/NATIONAL ORIGIN AND RELIGION DISCRIMINATION ARISING UNDER NEW YORK STATE HUMAN RIGHTS LAW

58. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

59. This Count is brought under the New York State Human Rights Law ("NYSHRL"), N.Y. Exec. L. § 290 et seq., and reference is made to the NYSHRL in its entirety.

60. At all relevant times, Defendants were and are employers within the meaning of the NYSHRL.

61. At all relevant times, Plaintiff was and is an employee within the meaning of the NYSHRL.

62. At all times relevant to this case, Plaintiff was and is a Muslim woman of French/Moroccan descent, a French foreign national, and a member of protected classes within the meaning of NYSHRL.

63. At all relevant times, Defendants were and are aware of Plaintiff's race, color, ethnicity, national origin and religion.

64. Defendants engaged in unlawful employment practices prohibited by the NYSHRL because of Plaintiff's race, color, ethnicity, national origin, and/or religion with behaviors

including, but not limited to, refusing to promote Plaintiff despite her superior qualifications and experience and desire to advance, promoting *many* less qualified White, non-Muslim, and/or Americans for the positions Plaintiff desired instead, ignoring her repeated requests to advance, paying Plaintiff less or otherwise discriminating against her in the terms and conditions of employment when compared with other, lesser experienced, White, non-Muslim and/or American employees, and terminating Plaintiff.

65. Defendants contributed to the discrimination, were aware of the discrimination, did nothing to resolve the discrimination and/or were complicit in the misconduct.

66. Defendants' conduct, as alleged herein, constitutes unlawful discriminatory practices and unlawful discrimination on the basis of race and/or ethnicity, as defined by the NYSHRL, by engaging in, causing, perpetrating, committing, authorizing, directing, participating in, aiding, abetting, inciting, compelling and/or coercing the unlawful conduct alleged herein, or attempting to do so, in violation of the NYSHRL.

67. Defendants are also individually and jointly liable for the unlawful conduct herein, including without limitation as an "employer" under the NYSHRL and under the "aiding and abetting" provision of the NYSHRL. See, e,g., NYSHRL § 296(1) and § 296(6).

68. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

69. Plaintiff's damages include financial loss, loss of employment opportunities, damage to her career and professional reputation, and severe emotional distress caused by the degrading conduct and loss of employment opportunities.

70. Plaintiff is entitled to recover monetary damages and other damages and relief, including, but not limited to back pay, front pay, and compensatory damages from Defendants' under the NYSHRL.

AS AND FOR A THIRD CAUSE OF ACTION FOR RACE/COLOR/NATIONAL ORIGIN AND RELIGION DISCRIMINATION ARISING UNDER NEW YORK CITY HUMAN RIGHTS LAW

71. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

72. This Count is brought under the NYCHRL, N.Y.C. Admin. Code § 8-101 et seq., and reference is made to the NYCHRL in its entirety.

73. At all relevant times, Defendants were and are employers and person(s) within the meaning of the NYCHRL.

74. At all relevant times herein, Plaintiff was and is a person within the meaning of the NYCHRL.

75. At all relevant times, Plaintiff was and is an employee within the meaning of the NYCHRL.

76. At all times relevant to this case, Plaintiff was and is a Muslim woman of French/Moroccan descent, a French foreign national, and a member of protected classes within the meaning of NYCHRL.

77. At all relevant times, Defendants were aware of Plaintiff's race, color, national origin and religion.

78. Defendants engaged in unlawful employment practices prohibited by the NYSHRL because of Plaintiff's race, color, ethnicity, national origin, and/or religion with behaviors including, but not limited to, refusing to promote Plaintiff despite her superior qualifications and

experience and desire to advance, promoting *many* less qualified White, non-Muslim, and/or Americans for the positions Plaintiff desired instead, ignoring her repeated requests to advance, paying Plaintiff less or otherwise discriminating against her in the terms and conditions of employment when compared with other, lesser experienced, White, non-Muslim and/or American employees, and terminating Plaintiff.

79. Defendants engaged in, caused, perpetrated, committed, authorized, directed, participated in, aided, abetted, incited, compelled and/or coerced the unlawful conduct alleged herein, or attempted to do so, in violation of the NYCHRL.

80. Defendants' conduct, as alleged herein, were carried out with malice or reckless disregard for Plaintiff's protected rights to be free from discrimination.

81. Defendants are individually and jointly liable for the unlawful conduct herein, including without limitation as an “employer” and “employee” under the NYCHRL and under the “aiding and abetting” provision of the NYCHRL. See, e.g., NYCHRL § 8-107(1) and § 8-107(6).

82. As a direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and continue to suffer injury, with resulting monetary, economic and other damages, including without limitation: (i) lost wages; (ii) lost back pay; (iii) lost benefits; (iv) lost interest; (v) lost bonuses; and (vi) attorneys' fees and costs.

83. As a further direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and continue to suffer, among other items, impairment and damage to Plaintiffs’ good name and reputation, emotional distress, mental anguish, emotional pain and suffering, and lasting embarrassment and humiliation.

84. Plaintiff is entitled to recover monetary damages and other damages and relief, including punitive damages, interest, and attorneys' fees and costs from Defendants under the NYCHRL.

AS AND FOR A FOURTH CAUSE OF ACTION FOR RETALIATION ARISING UNDER TITLE VII

85. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

86. This claim is authorized and instituted pursuant to the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section(s) 2000e et seq., for relief based upon the unlawful employment practices of the above-named Defendants.

87. Defendants engaged in unlawful employment practices prohibited by Title VII.

88. Plaintiff complained about Defendants misconduct to Human Resources and her supervisors as specifically outlined in the Statement of Material Facts.

89. In response to Plaintiff's complaints, Defendants retaliated against her by refusing to renew her visa sponsorship and terminating her *with no performance based explanation or negative performance reviews, within 5 months of her written and verbal complaints after 8 years of continuous employment, without a job elimination, and when Defendants actively needed to and did replace Plaintiff's role.*

90. Defendants contributed to the harassment, hostile work environment and retaliation; were aware of the harassment, hostile work environment and retaliation against Plaintiff and did nothing to resolve it and/or was complicit in the misconduct.

91. Defendants' retaliation were intentional, intended to harm Plaintiff, and was done with malice or reckless indifference to Plaintiff's federally protected rights.

92. As a direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and will continue to suffer the loss of income, the loss of a salary, bonuses, and commissions. Plaintiff has also suffered future pecuniary losses, attorneys' fees and costs, emotional pain and suffering, inconvenience, and other non-pecuniary losses. Plaintiff has further experienced severe emotional distress.

93. As a further direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and will continue to suffer, among other items, impairment and damage to Plaintiff's good name and reputation, emotional distress, mental anguish, and lasting embarrassment and humiliation.

94. As Defendants' conduct has been willful, reckless, outrageous, intentional and/or malicious, Plaintiff also demands punitive damages.

95. Plaintiff's damages include financial loss, loss of employment opportunities, damage to Plaintiff's careers and professional reputation, and severe emotional distress caused by the degrading conduct and loss of employment opportunities.

96. Plaintiff is entitled to recover monetary damages and other damages and relief, including, but not limited to back pay, front pay, punitive damages, reasonable attorney's fees and compensatory damages from Defendants under Title VII.

AS AND FOR AN FIFTH CAUSE OF ACTION FOR RETALIATION UNDER NEW YORK STATE HUMAN RIGHTS LAW

97. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

98. This Count is brought under the New York State Human Rights Law ("NYSHRL"), N.Y. Exec. L. § 290 et seq., and reference is made to the NYSHRL in its entirety.

99. Defendants engaged in unlawful employment practices prohibited by the NYSHRL.

100. Plaintiff complained about Defendants' unlawful employment practices as specifically detailed in the Statement of Material Facts.

101. In response to Plaintiff's complaints, Defendants retaliated against her by refusing to renew her visa sponsorship and terminating her *with no performance based explanation or negative performance reviews, within 5 months of her written and verbal complaints after 8 years of continuous employment, without a job elimination, and when Defendants actively needed to and did replace Plaintiff's role.*

102. Defendants contributed to the retaliation, were aware of the retaliation, did nothing to resolve the retaliation and/or were complicit in the misconduct.

103. Defendants' conduct, as alleged herein, constitutes unlawful retaliatory practices and unlawful retaliation, as defined by the NYSHRL, by engaging in, causing, perpetrating, committing, authorizing, directing, participating in, aiding, abetting, inciting, compelling and/or coercing the unlawful conduct alleged herein, or attempting to do so, in violation of the NYSHRL.

104. Defendants are also individually and jointly liable for the unlawful conduct herein, including without limitation as an "employer" under the NYSHRL and under the "aiding and abetting" provision of the NYSHRL. See, e,g., NYSHRL § 296(1) and § 296(6).

105. Plaintiff hereby makes a claim against Defendants under all of the applicable paragraphs of Executive Law Section 296.

106. Plaintiff's damages include financial loss, loss of employment opportunities, damage to their career and professional reputation, and severe emotional distress caused by the degrading conduct and loss of employment opportunities.

107. Plaintiff is entitled to recover monetary damages and other damages and relief, including, but not limited to back pay, front pay, and compensatory damages from Defendants under the NYSHRL.

AS AND FOR A SIXTH CAUSE OF ACTION FOR RETALIATION ARISING UNDER NEW YORK CITY HUMAN RIGHTS LAW

108. Plaintiff repeats and realleges each and every allegation in the Complaint with the same force and effect as though more fully set forth at length herein.

109. This Count is brought under the NYCHRL, N.Y.C. Admin. Code § 8-101 et seq., and reference is made to the NYCHRL in its entirety.

110. Defendants engaged in unlawful employment practices prohibited by the NYCHRL.

111. Plaintiff complained about Defendants' unlawful employment practices as further outlined in the Statement of Material Facts.

112. In response to Plaintiff's complaints, Defendants retaliated against her by refusing to renew her visa sponsorship and terminating her *with no performance based explanation or negative performance reviews, within 5 months of her written and verbal complaints after 8 years of continuous employment, without a job elimination, and when Defendants actively needed to and did replace Plaintiff's role.*

113. Defendants' conduct, as alleged herein, constitutes retaliation, as defined by the NYCHRL.

114. Defendants engaged in, caused, perpetrated, committed, authorized, directed, participated in, aided, abetted, incited, compelled and/or coerced the unlawful conduct alleged herein, or attempted to do so, in violation of the NYCHRL.

115. Defendants' conduct, as alleged herein, was carried out with malice or reckless disregard for Plaintiff's protected rights to be free from discrimination.

116. Defendants are individually and jointly liable for the unlawful conduct herein, including without limitation as an “employer” and “employee” under the NYCHRL and under the “aiding and abetting” provision of the NYCHRL. See, e.g., NYCHRL § 8-107(1) and § 8-107(6).

117. As a direct and proximate result of Defendants' unlawful and willful conduct, Plaintiff has suffered and continue to suffer injury, with resulting monetary, economic and other damages, including without limitation: (i) lost wages; (ii) lost back pay; (iii) lost benefits; (iv) lost interest; (v) lost bonus; and (vi) attorneys' fees and costs.

118. As a further direct and proximate result of each Defendants' unlawful and willful conduct, Plaintiff has suffered and continue to suffer, among other items, impairment and damage to Plaintiff's good name and reputation, emotional distress, mental anguish, emotional pain and suffering, and lasting embarrassment and humiliation.

119. Plaintiff is entitled to recover monetary damages and other damages and relief, including punitive damages, interest, and attorneys' fees and costs from Defendants under the NYCHRL.

JURY DEMAND

120. Plaintiff demands a trial by jury.

WHEREFORE, Plaintiff demands a judgment against Defendants as follows:

A. Issue a declaratory judgment declaring that the actions of the Defendants, as set forth in this Complaint, violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"); the New York State Human Rights Law, N.Y. Exec. Law. § 290 et seq.; and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 et seq.

B. Enjoin and restrain the Defendants and all persons acting on their behalf, or in concert with it, from engaging in such unlawful discriminatory and retaliatory practices;

C. Enter judgment in favor of the Plaintiff, and against the Defendants, for back pay and lost benefits in the amount of the wages it is determined that the Plaintiff lost as a result of the Defendants' unlawful and discriminatory conduct, together with interest;

D. Enter judgment in favor of the Plaintiff, and against the Defendants for compensatory damages, including but not limited to, damages for Plaintiff's mental anguish, humiliation, lack of self-respect, and pain and suffering, together with interest;

E. Award the Plaintiff punitive damages.

F. Award the Plaintiff reasonable attorneys' fees, together with the costs of this action; and

G. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of the Plaintiff's rights under the laws cited herein, to prevent their recurrence in the future and to protect other employees from such unlawful behavior.

H. Such other and further relief as the court deems appropriate under the circumstances.

Dated: New York, New York
December 19, 2016

Respectfully submitted,

By: ___________________________

Tiffany Ma, Esq.
Young & Ma LLP
575 Lexington Avenue, 4th Floor
New York, NY 10022
T: (212) 971-9773
F: (212) 600-2301
tma@youngandma.com